



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590



JAN 25 1996

REPLY TO THE ATTENTION OF:

R-19J

Honorable Nick Smith
Member, United States
House of Representatives
121 S. Cochran Avenue
Charlotte, Michigan 48813

Dear Congressman Smith:

Thank you for your inquiry of December 15, 1995, concerning the former city dump located in McIntosh Park in Albion and the Albion-Sheridan Township Landfill Superfund Site.

We received the newspaper clippings on the McIntosh Park dump which you forwarded from Mr. David Leffew with your December 5 letter. The McIntosh Park site is not currently listed in CERCLIS (our Comprehensive Environmental Response, Compensation and Liability Inventory System) and has not been investigated by the U.S. Environmental Protection Agency (U.S. EPA). Since your inquiry, we have discussed the McIntosh Park dump with the Michigan Department of Environmental Quality and are trying to arrange for the State to conduct an initial site reconnaissance and then determine if any environmental sampling is needed. We will keep you informed of our findings.

In your letter, you also asked for an explanation of the criteria for establishing the Potentially Responsible Parties for the Albion-Sheridan Township Landfill Site (the Site). The U.S. EPA considers any party to be a Potentially Responsible Party who meets the definitions set forth under Sections 101 and 107 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. §§ 9601-9675. U.S. EPA has identified parties who fall within each of the classes identified under CERCLA Section 107(a) including "owners" or "operators" of the Site, those who "arranged for the disposal or treatment" of hazardous substances at the Site, and "transporters" of "hazardous substances" to the Site.


At the time the Albion-Sheridan Township Landfill Site was brought to the attention of U.S. EPA, there were virtually no landfill records remaining in existence. After a lengthy investigation, we determined that we had sufficient liability evidence to issue a cleanup order to four Potentially Responsible Parties ("PRPs").

U.S. EPA is continuing to investigate additional PRPs for this Site to the extent our budget allows; e.g. issuing additional information requests. If additional liability evidence is identified, U.S. EPA may add PRPs to the cleanup order, and/or seek costs incurred by U.S. EPA, in responding to the release or threatened release of hazardous substances at or from the Site, from those additional parties. Furthermore, one additional party (Eagle-Picher Industries) will be making a significant payment to Site response costs through a bankruptcy judgement.

You also asked to be updated regarding the status of compliance with the Order. U.S. EPA received a Notice of Intent to Comply with the Order from three of the four Respondents. The City of Albion is the only respondent who has notified us that it does not intend to comply with the Order. At present, the three Respondents who indicated their intent to comply with the Order, are currently in compliance with it.

Please feel free to contact me if you have any questions or concerns.

Sincerely yours,

 original signed by
Valdas V. Adamkus

Valdas V. Adamkus
Regional Administrator

bcc: Leah Evison, SD
Kurt Lindland, ORC
Mary Canavan, ORA
Ken Westlake, ORA
ORA (with control slip)